

UNITED STATES DISTRICT COURT

WESTERN

DISTRICT OF

OKLAHOMA

UNITED STATES OF AMERICA
V.
ALAMO JOSEPH SMITH
WHEREVER FOUND

FILED

MAR 24 2010

ROBERT D. DENNIS, CLERK
U.S. DIST. COURT, WESTERN DIST. OF OKLA.
BY SR DEPUTY

CRIMINAL COMPLAINT


Case Number: M-2010-108-P

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about February 25, 2010, in Oklahoma County, in the Western District of Oklahoma defendant did, having previously been convicted of a crime punishable by a term of imprisonment exceeding one year, knowingly possess two firearms and ammunition, which were in and affecting interstate commerce, in that said firearms and ammunition previously crossed state lines to reach the state of Oklahoma in violation of Title 18, United States Code, Section 922(g)(1).

I further state that I am a Task Force Officer with the Bureau of Alcohol, Tobacco, Firearms and Explosives and that this complaint is based on the following facts:

See attached Affidavit of Task Force officer Pablo A. Pinzon, ATF, which is incorporated and made a part hereof by reference.

Continued on the attached sheet and made a part of this complaint: ☒ Yes ☐ No



Signature of Complainant
PABLO A. PINZON
TASK FORCE OFFICER
Bureau of Alcohol, Tobacco, Firearms and
Explosives

Sworn to before me and signed in my presence, on this 24th day of , at Oklahoma City, Oklahoma.

GARY M. PURCELL
United States Magistrate Judge

Name & Title of Judge



Signature of Judge

STATE OF OKLAHOMA)
) ss
COUNTY OF OKLAHOMA)

AFFIDAVIT

I, Pablo A. Pinzon, being duly sworn, depose and state that I am a Task Force Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), a Division of the United States Department of Justice, having been so assigned since May 2009. As a Task Force Agent with (ATF), I am vested with the authority to investigate violations of Federal laws, including Title 18 and Title 26 of the United States Code. Prior to being assigned to ATF, I worked for the District 1 District Attorney's Office as a Drug Task Force Agent, for and within the state of Oklahoma.

Your Affiant has been assigned to the ATF Oklahoma City Field Office since May of 2009. Your Affiant is familiar with the information contained in this affidavit through personal investigation and information received from other law enforcement officers, mentioned herein, who have participated in and have contributed documentary reports of their investigation efforts in this matter. This affidavit contains information necessary to support the complaint and is not intended to include every fact or matter observed or known by the affiant.

This Affidavit is presented for the purpose of seeking a Federal Arrest Warrant for, **ALAMO SMITH**. This warrant is being sought for violation of Title 18, United States Code, Sections 922(g)(1).

Further, your Affiant states as follows:

1. Your Affiant in reviewing reports related to this case discovered that on February 25, 2010, **ALAMO SMITH** was identified by Oklahoma City Police Officers as a suspect involved in the sale of illegal narcotics and being a felon in possession of a firearm and ammunition.
2. On February 25, 2010, Sgt. Porter, of the Oklahoma City Police Department, enlisted the aid of a confidential and reliable informant to investigate the sale of illegal drug sales occurring at 2513 NE 19th Street, in Oklahoma City, Oklahoma County, within the Western District of the State of Oklahoma. This informant has worked for the Oklahoma City Police Department as a confidential informant for over ten years. In this time the informant has made over fifty controlled buys leading to numerous arrests and search warrants which resulted in numerous convictions in both state and federal court.

3. Prior to sending the informant to the residence, the officers searched the informant and gave the informant a preset amount of United States Currency. The informant was wired with both audio and video surveillance equipment. The informant entered into the above listed residence and observed a black male, later identified as **ALAMO SMITH** inside the residence selling the illegal narcotic cocaine base out of the kitchen. The informant attempted to purchase a set amount of cocaine base from **ALAMO SMITH** but was denied by **ALAMO SMITH** because he advised he did not know the informant. At that time the informant left the residence.
4. Members of the Oklahoma City Police Department Springlake IMPACT Unit decided to do a "knock and talk" to further investigate the drug activity at that address. Upon approaching the residence officers observed **ALAMO SMITH** exiting the residence. **ALAMO SMITH** saw the officers and attempted to flee. The officers captured **ALAMO SMITH** and placed him in custody. Officers standing outside could smell an odor associated with burnt marijuana coming from the open front door of the residence. Officers cleared the residence to ensure officer safety and to ensure there were no other individuals located inside that could destroy evidence or pose harm to the officers.
5. While officers were clearing the residence they observed illegal items in plain view. In the kitchen of the residence there was a green leafy substance, believed by officers to be the illegal narcotic marijuana. There was also a set of digital scales with white powdery residue located in the kitchen. Also located on the person of **ALAMO SMITH** was over two thousand dollars United States Currency in denominations consistent with drug sales and one 9mm semi-automatic round.
6. On February 25th, 2010, the officers prepared an affidavit and obtained a state search warrant for the residence. The warrant included all of the residence and outbuildings and was for the purpose of searching for illegal narcotics and items associated with that crime.
7. That same day, the officers searched the residence and located several illegal items. These items included approximately 295 grams of the illegal narcotic cocaine base (found in the kitchen), three different sets of digital scales containing cocaine base residue (found in the kitchen), a loaded 9mm Ruger pistol located in a kitchen drawer (and where **ALAMO SMITH** was seen selling the illegal narcotics), a ballistics vest, and a loaded stolen 30 caliber Universal carbine rifle.
8. Your Affiant knows based upon his training and experience, and advice from SA Justin Holbert, a NEXUS expert, as well as information provided during conversations with other ATF agents with special training in the recognition of firearms and their place of manufacture, that **Ruger** hand guns and

Universal rifles are manufactured outside the state of Oklahoma and therefore would have had to travel in interstate commerce to reach the State of Oklahoma.

9. Your Affiant knows based upon his training and experience, and advice from SA Justin Holbert, a NEXUS expert, as well as information provided during conversations with other ATF agents with special training in the recognition of ammunition and their place of manufacture, that the seized ammunition was manufactured outside the state of Oklahoma and therefore would have had to travel in interstate commerce to reach the State of Oklahoma.
10. Your Affiant ran a criminal history of **ALAMO SMITH** and found the following felony convictions, which are punishable by a term of imprisonment exceeding one year:

Oklahoma County

CRF-2004-1381	Possession of Firearm during commission of Felony Possession of CDS w/intent to Distribute (Marijuana)
CRF-2004-7253	Possession of CDS w/ Intent to Distribute (Cocaine) Possession of Drug Proceeds Possession of Paraphernalia
CRF-2005-3900	Possession of CDS w/ Intent to Distribute (Marijuana) Possession of Paraphernalia Possession of Drug Proceeds

Carter County

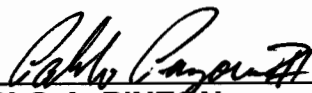
CRF-2005-136B	Possession of CDS (Cocaine)
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ALAMO J. SMITH DOB: 01/14/1986, SSN: 458-91-6331

_ Convicted -----

Based upon the above aforementioned facts and circumstances, your Affiant believes that probable cause exists that on or about February 25, 2010, in Oklahoma City, Oklahoma, in the Western Judicial District of Oklahoma, **ALAMO J. SMITH** a convicted felon, was knowingly in possession of two firearms and ammunition that had previously traveled in interstate commerce in violation of United States Code, Title 18, Section 922(g)(1).

FURTHER YOUR AFFIANT SAITH NOT.



PABLO A. PINZON
TASK FORCE OFFICER
Bureau of Alcohol, Tobacco, Firearms and
Explosives

Subscribed and Sworn to before me this 24th day of March 2010.



UNITED STATES MAGISTRATE JUDGE